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OFFICE OF PETITIONS

In re Application of	:	
Kuriyama et al.	:	DECISION ON APPLICATION
Application No. 10/735,062	:	FOR
Filed: December 11, 2003	:	PATENT TERM ADJUSTMENT
Atty Docket No. 1232-5237	:	

This is a decision on the "PETITION FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT," filed November 29, 2006. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from four hundred eleven (411) days to four hundred seventeen (417) days.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the notice of allowance is four hundred seventeen (**417**) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On November 7, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 411 days. On November 29, 2006, applicants timely submitted the instant application for patent term adjustment¹. Applicants state that an Information Disclosure Statement (IDS) was filed on February 7 (not February 13), 2006. Accordingly, the reduction pursuant to 37 CFR 1.704(c)(8) is 1 day, not 7 days. In support thereof, applicants point to the Image File Wrapper (IFW) for this application, supply a copy of the IDS as filed with a February 7, 2006 date-stamp thereon, and provide a copy of their itemized

¹ PALM records indicate that the Issue Payment was filed on November 29, 2006.

and date-stamped return postcard acknowledge receipt of the IDS on February 7, 2006.

Applicants state that the application is not subject to a terminal disclaimer.

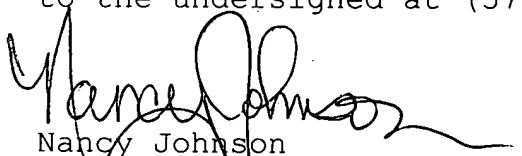
Applicants are correct. The postcard evidence and application history show that the IDS is properly considered filed on February 7, 2006. No further IDS was filed on February 13, 2006. Accordingly, the IDS was filed 1 day after a reply filed February 6, 2006, and thus, the period of reduction pursuant to 37 CFR 1.704(c)(8) is 1 day.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is 417 days.

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Patent Publication for issuance of the patent. The patent term adjustment indicated on the patent will include any additional patent term adjustment accrued for Office delay in issuing the patent after payment of the issue fee and all outstanding requirements having been met.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.


Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of REVISED PAIR Screen

Day : Tuesday
Date: 1/23/2007

PALM INTRANET

Time: 13:10:21

PTA Calculations for Application: 10/735062

Application Filing Date:	12/11/2003	PTO Delay (PTO):	420
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	9
Post-Issue Petitions:	0	Total PTA (days):	417
PTO Delay Adjustment:	6		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
45	01/23/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
44	01/23/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	7		
37	11/07/2006	MAIL NOTICE OF ALLOWANCE	154		27
36	11/03/2006	ISSUE REVISION COMPLETED			
35	11/03/2006	DOCUMENT VERIFICATION			
34	11/03/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
33	11/03/2006	CASE DOCKETED TO EXAMINER IN GAU			
32	02/07/2006	REFERENCE CAPTURE ON IDS			
31	02/21/2006	NOTICE OF ALLOWABILITY			
30	02/13/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
29	02/13/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		7	27
28	02/10/2006	DATE FORWARDED TO EXAMINER			
27	02/06/2006	RESPONSE AFTER NON-FINAL ACTION		2	26
26	11/04/2005	MAIL NON-FINAL REJECTION	266		-1
25	10/31/2005	NON-FINAL REJECTION			
24	04/26/2005	MISCELLANEOUS INCOMING LETTER			
23	01/25/2005	CASE DOCKETED TO EXAMINER IN GAU			
22	01/18/2005	CASE DOCKETED TO EXAMINER IN GAU			
21	01/04/2005	CASE DOCKETED TO EXAMINER IN GAU			
20	11/09/2004	CASE DOCKETED TO EXAMINER IN GAU			
19	08/09/2004	CORRESPONDENCE ADDRESS CHANGE			
18	05/12/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
17	05/12/2004	CASE DOCKETED TO EXAMINER IN GAU			

16	04/26/2004	REQUEST FOR FOREIGN PRIORITY. (PRIORITY PAPERS MAY BE INCLUDED)			
15	05/06/2004	APPLICATION RETURN FROM OIPE			
14	05/06/2004	APPLICATION IS NOW COMPLETE			
13	05/06/2004	APPLICATION RETURN TO OIPE			
12	05/06/2004	APPLICATION RETURN FROM OIPE			
11	05/06/2004	APPLICATION RETURN TO OIPE			
10	05/06/2004	APPLICATION DISPATCHED FROM OIPE			
9	05/06/2004	APPLICATION IS NOW COMPLETE			
8	04/23/2004	ADDITIONAL APPLICATION FILING FEES			
7	04/23/2004	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
6	03/22/2004	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
5	02/27/2004	CLEARED BY L&R (LARS)			
4	02/17/2004	REFERRED TO LEVEL 2 (LARS) BY OIPE CSR			
3	02/17/2004	CASE CLASSIFIED BY L&R			
2	01/09/2004	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	12/11/2003	INITIAL EXAM TEAM NN			

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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